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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,414	09/23/2003	Yoshikazu Shibamiya	03500.017590.	1079
5514 7590 09/03/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER PARRA, OMAR S				
ART UNIT 2623		PAPER NUMBER		
MAIL DATE 09/03/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,414

Applicant(s)

SHIBAMIYA ET AL.

Examiner

OMAR PARRA

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 8, 29-32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 8, 29-32 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/22/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims **1, 3, 8, 29-32 and 34** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 3, 29-31 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazra (Patent No. 6,510,553) in view of Santoro et al. (hereinafter 'Santoro', Pub. No. 2005/0283734).

Regarding claims 1 and 30, Hazra teaches a receiving apparatus (with respective method) comprising:

a reception unit **(16, Fig. 1 or 40, Fig. 2, which are the receiving connection interfaces to the video sources for the receiving device in the two embodiments; col. 3 line 53-col. 4 line 17; col. 5 lines 43-51)** constructed to receive image data transmitted through a network **(col. 4 lines 18-60; col. 5 lines 43-65)** different from a broadcast network, and to receive transmission mode information **(Catalog 46, Fig. 2; col. 5 lines 59-65; col. 9 lines 48-54)** as to a plurality of transmission modes of a transmitting apparatus in transmitting the image data), the transmission mode information including different combinations of pixel number information and transmission rate information **(the catalog, which is sent when initiating transmission of any signal, contains information pertaining to of the different configurations said signal can be received or encoded at the transmitter; col. 5 line 66-col. 6 line 14 and lines 37-59; col. 8 line 54-col. 9 line 47);**

an output unit constructed to output the image data received by said reception unit to a display apparatus **(the first received image data is output to the display apparatus, A of 52, at time T1, Fig. 3; col. 4 lines 40-60; col. 7 lines 4-32);**

a broadcast signal receiving unit constructed to receive a broadcast signal **(Being sources A and B, Fig. 2, sources of independent streams and displayed simultaneously, it is inherent that there must be at least another receiving signal unit for the second stream; col. 4 line 61-col. 5 line 5; col. 8 line 54-col. 9 line 17),** wherein the broadcast signal receiving unit derives, from the broadcast signal, event

information including at least size information of a display area in which an image is displayed based on the image data **(After selection as, for example, PIP, the size of the second signal is known, since it's included in the catalog that arrives with the signal; col. 5 lines 59-col. 6 line 14 and lines 37-59; col. 8 line 54-col. 9 line 47; col. 9 lines 48-54); and**

a control unit **(col. 9 line 64-col. 10 line 32)** for automatically selecting one transmission mode from the transmission mode information based on the size information in the event information, of the display area in which the image is displayed based on the image data, and based on the pixel number information and the transmission rate information in the transmission mode information, and generating a signal for requesting the transmitting apparatus to transmit the image data in the pixel number and the transmission rate corresponding to the selected transmission mode, and transmitting the generated signal to the transmitting apparatus **(Once the PIP signal B, Fig. 3, is chosen to be the primary signal at time T2, the client automatically changes the current subscription of sources of A and B. In other words, tells the sources to change their transmission to the PIP subscription – lower resolution and transmission rate- in the case of signal A; and to the primary display- larger resolution and higher rate- in the case of signal B, based on the catalog information; col. 5 line 43-col. 6 line 59; col. 7 lines 4-62; col. 8 line 54-col. 9 line 54).**

On the other hand, Hazra does explicitly teach that the second signal is a broadcasting signal (and therefore, the second receiving unit a broadcast receiving unit) and that the first signal is signal different from a broadcast network.

However, in an analogous art, Santoro teaches having a display able to put multiple stream signals, in different locations and sizes on the screen, at the same time and of different signal sources, including broadcasting sources ([0010]; [0012]; [0015]; [0017]; [0019]; [0020]; [0062]; [0085]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Hazra's invention with the system capability of receiving as a second signal a broadcasting signal for the benefit of having the user being able to simultaneously access different types of sources (i.e. a TV channel and a spreadsheet) with just one device for facilitating multi-tasking (i.e. working while watching a sport channel).

Regarding claims 3 and 31, Hazra and Santoro teach a receiving apparatus (with respective method) wherein said control unit selects the transmission mode having a transmission rate lower than that of a maximum reception speed in which said reception unit can receive image data through said network (**Hazra: col. 6 lines 37-51; col. 7 lines 4-62; col. 8 line 54-col. 9 line 54**).

Regarding claims 29 and 34, Hazra and Santoro teach a receiving apparatus (with respective method) wherein the event information further includes information

discriminating the image data (**Hazra: By selecting source stream B to be the main display, source stream A is discriminated to not being able to transmit at main display rate; col. 6 lines 37-59; col. 7 lines 4-62; col. 8 line 54-col. 9 line 54).**

5. Claims **8 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazra (Patent No. 6,510,553) in view of Santoro et al. (hereinafter 'Santoro', Pub. No. 2005/0283734) as applied to claims 1 and 30 above, and further in view of Ellison et al. (hereinafter 'Ellison', Patent No. 7,058,721).

Regarding claims 8 and 32, Hazra and Santoro teach all the limitations of the claims they depend on. On the other hand, Hazra and Santoro do not explicitly teach having a buffer memory for storing the image data received by said reception unit and changes an amount of data to be stored in said buffer memory according to the transmission mode in which the transmission is requested to be performed.

However, in an analogous art, Ellison teaches a client device, which contains a buffer, that is able to dynamically change the quality of a streamed content and when changing the transmission rate or the quality of the video, additional information is sent down to the client to let know the timing when the buffer needs to be emptied for receiving the next frame for processing. This is based on the rate and quality at which the content is being transmitted (238, Table 2 on col. 10; 243, Table 4, col. 11; col. 16 line 32- col. 17 line 19; col. 18 lines 36-46).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Hazra and Santoro's invention with Ellison's feature of sending additional information to the decoder when the transmission rate is dynamically modified for the benefit of avoiding buffer overflow when processing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

/Hunter B. Lonsberry/

Primary Examiner, Art Unit 2623